

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARCUS ALFORD,)	
)	
Plaintiff,)	Civil Action No. 12-1268
)	Judge Cathy Bissoon
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
JANE DOE, <i>et al.</i> ,)	
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff Marcus Alford (“Plaintiff”) brings the instant cause of action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983, *et seq.*, alleging that a host of Defendants violated his rights under the Eighth and Fourteenth Amendments to the Constitution of the United States in connection with allegedly deficient medical treatment that he received while incarcerated at SCI-Coal Township. Plaintiff also raises claims under Pennsylvania state law.

This case was removed to federal court from the Court of Common Pleas of Allegheny County, Pennsylvania, on August 31, 2012. This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. Various Defendants have filed motions to dismiss. (Docs. 12 and 20). Plaintiff has responded in opposition to these motions. (Docs. 15 and 34). Additionally, Plaintiff filed a motion for leave to file an amended complaint, dismissing Defendants Beard, Piazzo, and the Pennsylvania Department of Corrections. (Doc. 23). The magistrate judge ordered Plaintiff to submit a new motion to file an amended complaint with a proposed amended complaint attached. Text Order of Nov. 30, 2012. The docket does not reflect that Plaintiff ever did so.

On April 10, 2013, the magistrate judge issued a report and recommendation recommending that Defendants' motions to dismiss be granted only with respect to Plaintiff's federal law claims, determining that they were barred by the applicable statute of limitations. (Doc. 49). The magistrate judge also recommended that Plaintiff's remaining claims arising under Pennsylvania law be remanded to state court. Plaintiff moved for an extension of time to file objections to the report (Doc. 50), and was granted until May 29, 2013, in which to do so. Text Order of Apr 18, 2013. As of the date of this writing, Plaintiff has filed no objections, and has not sought any additional extension of time.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 49), Defendants' motions (Docs. 12 and 20), and Plaintiffs' responses thereto (Docs. 15 and 34), the following ORDER is entered:

AND NOW, this 12th day of June, 2013,

IT IS HEREBY ORDERED that Defendants' motions to dismiss (Docs. 12 and 20) are GRANTED in PART. Plaintiff's federal law claims against these Defendants are DISMISSED.

IT IS FURTHER ORDERED that Defendants Beard, Piazza, and the Pennsylvania Department of Corrections are DISMISSED, pursuant to Plaintiff's Motion (Doc. 23).

IT IS FURTHER ORDERED that Plaintiff's remaining state law claims are REMANDED, forthwith, to the Court of Common Pleas of Allegheny County, Pennsylvania.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Doc. 49) is adopted as the opinion of this Court.

BY THE COURT:

s/Cathy Bissoon
CATHY BISSOON
UNITED STATES DISTRICT JUDGE

cc:
MARCUS ALFORD
5119 Langhorn St
Pittsburgh, PA 15207